

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., May 10, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the May 3, 2005 meeting

AWARDS AND PROCLAMATIONS

- Proclamations

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated May 9, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Marijo Taylor	Taco Tico Operations Inc.*	311 East Pawnee
Marijo Taylor	Taco Tico Operations Inc.*	3425 East Douglas
Marijo Taylor	Taco Tico Operations Inc.*	460 North West Street
Marijo Taylor	Taco Tico Operations Inc.*	1303 North Tyler Road
Marijo Taylor	Taco Tico Operations Inc.*	929 North Broadway
Marijo Taylor	Taco Tico Operations Inc.*	1230 South Rock Road
Marijo Taylor	Taco Tico Operations Inc.*	603 East 47 th Street South

(Item 2 continued)

Marijo Taylor	Taco Tico Operations Inc.*	1118 West Douglas
Marijo Taylor	Taco Tico Operations Inc.*	2051 South Seneca
Marijo Taylor	Taco Tico Operations Inc.*	3257 East Harry
Marijo Taylor	Taco Tico Operations Inc.*	3131 North Rock Road

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates:

- a) Storm Water Drain #199 to serve Woodland Lakes Estates 3rd Addition - north of Harry, west of 127th Street East. (468-83592/751393/485284) Does not affect existing traffic. (District II) - \$438,100
- b) Hawthorne Street from the south line of Lot 13, Block A, north to and including the Hawthorne Court and continuing south to the north line of Siefkes to serve Shoal Creek 3rd Addition - south of Central, west of 143rd Street East. (472-84085/765930/490043) Does not affect existing traffic. (District II) - \$87,200
- c) West Side Athletic Field Lighting Project - Athenian & McLean Blvd. (472-84002/602562/800402 /010123) Does not affect existing traffic. (District IV) - \$50,000
- d) Water distribution system, Phase II to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-89911/735237/470908) Does not affect existing traffic. (District V) - \$62,000
- e) Water distribution system, Phase IIB to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-90035/735241/470912) Does not affect existing traffic. (District V) - \$69,000
- f) Water distribution system to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-90036/735238/470909) Does not affect existing traffic. (District V) - \$10,500
- g) The cost of PRELIMINARY ESTIMATE of the cost of 37th Street North, from Tyler Road to Ridge Road to serve Avalon Park Addition (Lots 1 thru 52, Block 1; Lots 1 thru 13, Block 2; Lots 1 thru 18, Block 3; Lots 1 thru 28, Block 4), Unplatted Tract "A"; Unplatted Tract "B"; Northridge Plaza Addition (Lots 1 thru 11, Block A); North Ridge Addition (Lots 1 thru 21, Block A; Lots 1 thru 6, Block B; Lots 1 thru 15, Block C; Lots 1 thru 3, Block D); Tyler's Landing Addition (Lots 1 thru 16, Block A; Lots 1 thru 37, Block B; Lots 1 thru 28, Block C; Lots 1 thru 19, Block D; Lots 1 thru 3, Block E); Tylers's Landing 2nd Addition (Lots 1 thru 27, Block A; Lots 1 thru 67, Block B; Lots 1 thru 14, Block C); Unplatted Tract "C"; Hoskinson's 2nd Addition (Lots 5 thru 8, Block A); and Unplatted Tract "D". (District V) (472-83941/765852/490-963 - Total Estimated Cost \$250,000

RECOMMENDED ACTION: Receive and file.

4. Deeds and Easements:

- a) Utility Easment dated March 1st, 2005 from RRGNL, L.L.C., a Kansas Limited Liability Company, located over a portion Lot 10, Block A, Ridge Port Commercial Park, Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City
- b) Utility Easment dated March 3rd, 2005 from Riverside Village, Inc., a Kansas Corporation, located over a portion Lot 1, Block 1, Riverside Health System 3rd Addition, Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City

(Item 4 continued)

- c) Utility Easement dated April 7th, 2005 from Twenty First Growth Property, LLC., located over a portion of Lots 1, 2, and 3, Block 1, and Reserve "A", Hawthorne Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City
- d) Utility Easement dated April 21st, 2005 from Vantage Point Waterfront Properties, LLC; Murfin Drilling Company, INC.; Box Development, LLC; KCBP, Inc., located over a portion of Lot 3, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas and over a portion of Lot 4, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City
- e) Drainage and Utility Easement dated April 12, 2005 from International Trading Inc., located over a portion of Lots 8 and 9, Block 3, Woodland Lakes Estates Third Addition, an addition to Wichita, Sedgwick County, Kansas, and a portion of Reserve "C", Woodland Lakes Estates Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA 751393) No Cost to City
- f) Drainage and Utility Easement dated March 16, 2005 from International Trading Inc., located over a portion of Lot 18, Block 1, Woodland Lakes Estates Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA 751393) No Cost to City
- g) Utility Easement dated April 18, 2005 from Newmarket Square, LTD., located over a portion of Lot 1, Block 1, Newmarket Square, an addition to Wichita, Sedgwick County, Kansas (OCA 735242) No Cost to City
- h) Waterline Easment dated March 11, 2005 from Beech Lake Investment, LLC., located over a portion of Lot 1, Block 1, The Waterford Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City
- i) Utility Easement dated April 11, 2005 from Maxine L. Cole, President of Co-Co, Inc., Manager of KTW II LLC., located over a portion of Lot 1, Block 1, K.T. Wiedemann Business Park, Wichita, Sedgwick County, Kansas (OCA 607861). No Cost to City
- j) Water Line Easement date April 8, 2005 from Carmax Auto Superstores, Inc., located over a portion of Lot 1, Block A, Pizza Hut 2nd Addition to Wichita, Sedgwick County, Kansas (OCA 607861) No cost to City
- k) Utility Easement dated April 8th, 2005 from Carmax Auto Superstores, Inc., located over a portion of Lot 1, Block A, Pizza Hut 2nd Addition to Wichita, Sedgwick County, Kansas (OCA 607861) No cost to City
- l) Water Line Easement date April 8, 2005 from Carmax Auto Superstores, Inc., located over a portion of Lot 1, Block A, Pizza Hut 2nd Addition to Wichita, Sedgwick County, Kansas (OCA 607861) No cost to City
- m) Right of Way Dedication dated April 5, 2005 from Blue Lake, L.L. C.; a Kansas Limited Liability Company located over a portion of Lot 117, Block A, Blue Lake Addition, Wichita, Sedgwick County, Kansas (OCA #765905) No Cost to City
- n) Sanitary Sewer Easement dated February 12, 2005 from Kathleen M. Aguilera and Richard H. Aguilera, located over a portion of the southeast corner of the north half of the northeast quarter of the Southeast Quarter of Section 15, Township 27 south, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 765904) No Cost to City

(Item 4 continued)

- o) Sanitary Sewer Easement dated April 7, 2005 from Peggy L. Cook, located over a portion of the Northwest Quarter of the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 624054) No Cost to City
- p) Permanent Easement dated March 29, 2005 from Verna Cornwell, located over a portion of SE 1/4 of SEc. 34, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas (OCA#706914) No cost to City
- q) Sanitary Sewer Easement dated April 1st, 2005 from Target Corporation, a Minnesota corporation, located over a portion Lot 12, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#744115) No cost to City

RECOMMENDED ACTION: Accept documents.

5. Petitions for Public Improvement

- a) Construct a storm water drain in Rivendale Addition, north of 55th Street South, west of Hydraulic. (District III)
- b) Construct a sanitary sewer to serve part of The Plaza at Cherry Creek Hills Addition, east of Rock, south of Pawnee. (District II)
- c) Paving, traffic signal, drainage and water improvements in the Waterfront Addition, north of 13th Street, east of Webb. (District II)
- d) Construct a sanitary sewer to serve part of Santa Fe Orient Industrial District Third Addition, south of Harry, east of Meridian. (District IV)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

7. March 2005 Contract Renewal Report

RECOMMENDED ACTION: Receive and file.

8. Agreements/Contracts:

- a) Firefly Drive and Azure Lane in Whistling Walk Estates Additions, south of 13th Street, west of 119th Street West. (District V) – Supplemental.
- b) Construction engineering and staking in Southern Ridge Second Addition, south of Pawnee, west of Maize. (District IV) – Supplemental.
- c) Construction engineering and staking in Auburn Hills 15th Addition, west of 135th Street West, north of Kellogg. (District V) – Supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Design Services Agreements

- a) Shoal Creek Third Addition, west of 143rd Street East, south of Central. (District V)
- b) Northwest YMCA Addition, north of 21st Street, west of 135th Street West. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

10. Property Acquisitions:

- a) 3509 East Kinkaid for the Dry Creek Basin Property Acquisition Project. (District III)
- b) 3916 East Mt. Vernon for the Dry Creek Basin Property Acquisition Project. (District III)
- c) Partial Acquisition of land and easements for the north area sewer sanitary line near Meridian and 53rd Street North. (District VI)
- d) 2347 South Pattie for Pawnee Widening Improvement Project from Washington to Hydraulic. (District III)
- e) Pump Station Site. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

11. Master Series Server Replacement.

RECOMMENDED ACTION: 1) approve the purchase of hardware and software; 2) approve the Master Series as the sole source of services for the migration; and 3) authorize the necessary signatures.

12. Donation from Dillon's/Milk-Bone and others for the Purchase of a Narcotics Detection Dog.

RECOMMENDED ACTION: Approve the donation of money and services from entities willing to support a narcotics detection dog assigned to Field Services.

13. Grant with the Kansas Department of Transportation.

RECOMMENDED ACTION: Approve the filing for the Grant with KDOT and authorize the Mayor to execute the contract.

14. HUD 2005/2006 One-Year Action Plan.

RECOMMENDED ACTION: 1) Close the public comment period and approve the 2004/2008 HUD Consolidated Plan and 2) authorize the necessary signatures and submission of the plan to HUD.

15. Second Reading Ordinances: (First read May 3, 2005)

a) Sidewalk Repair Assessment Program.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

b) Central between I-235 Freeway and West Street; Broadway between Kellogg and Douglass; the K-96 Bike Path, from Oliver to the East City Limits and the 9th Street Bridge at the Westlink Tributary to Cowskin Creek. (Districts I, II, IV, V and VI)

1. An Ordinance amending Ordinance No. 43-976 of the City of Wichita, Kansas declaring Central Avenue, from the I-235 Freeway to West Street (472-83014) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.
2. An Ordinance amending Ordinance No. 44-213 of the City of Wichita, Kansas declaring Broadway, from Kellogg to Douglas (472-82412) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same.
3. An Ordinance amending Ordinance No. 46-189 of the City of Wichita, Kansas declaring 9th Street Bridge at the Westlink Tributary to Cowskin Creek (472-84021) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same.

c) First Supplemental and Amending Trust Indenture, Beauty First Project. (District II)

An Ordinance prescribing the form and authorizing execution of a first supplemental and amending trust indenture by and between the City and Sunflower Bank, N.A., Salina, Kansas, as Trustee with respect to the City of Wichita, Kansas, taxable Industrial Revenue Bonds, Series IV-A, 2004 (Beautyfirst, Inc. Project) and subordinated taxable Industrial Revenue Bonds, Series IV-B, 2004 (Beautyfirst, Inc. Project).

d) Tax Exemption Request, ZTM, Inc. (District III)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of ZTM, Inc., so exempted.

(Item 15 continued)

- e) Tax Exemption Request, Custom Cupboards, Inc. (District IV)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Custom Cupboards, Inc. so exempted.

- f) Authorize Section 108 Wichita Biz Loan Program Amendments.

An Ordinance of the City of Wichita, Kansas, further amending Section 4 of Ordinance No. 45-497, repealing the prior version of such section and repealing Section 3 of Ordinance No. 45-942.

- g) Revision of Chapter 7.72-Pools, Spas and other Water Features.

An Ordinance amending Sections 7.72.010, 7.72.020, 7.72.030, 7.72.040, 7.72.050, 7.72.050, 7.72.060, 7.72.070, 7.72.080, 7.72.090, 7.72.100, 7.72.110, 7.72.120, 7.72.130, 7.72.140, 7.72.150, 7.72.160, 7.72.170, 7.72.180, 7.72.190, 7.72.200, and 7.72.220 and repealing existing versions of those Code Sections of the City Code and enacting new Sections 7.72.03, 7.72.095, 7.72.121, 7.72.191, 7.72.193, 7.72.197, 7.72.201, 7.72.202, 7.72.230 and repealing existing Section 7.72.210 of the Code of the City of Wichita, Kansas pertaining to swimming pools.

- h) Hydraulic Improvement between 57th Street South and 63rd Street South. (District III)

An Ordinance declaring Hydraulic, between 63rd St. South and 57th St. South (472-84118) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

- i) Amendments, Sections 3.95.080 and 3.95.120, relating to Transient Merchants.

An Ordinance amending Sections 3.95.030, 3.95.080 and 3.95.110 of the Code of the City of Wichita, Kansas pertaining to transient merchants and temporary sales of certain merchandise within the City, and repealing the originals of said Sections.

- j) ZON2004-67 - generally located at the southwest corner of Hydraulic Avenue and 13th Street North. (District I)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-67)

- k) ZON2005-00004 - generally located north of Central and east of McComas. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-67)

- l) ZON 2003-42 - southwest corner of 21st Street North and Greenwich Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2003-42)

(Item 15 continued)

- m) A05-07R - request by Maple Group, LLC to annex lands generally located northeast of the intersection of 151st Street West and Maple Street. (District V)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A05-07R)

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

16. HUD Consolidated Plan-Substantial Amendment.

Staff has prepared a substantial amendment to the 2005/2006 One Year Action Plan for the Good Gang Project. Good Gang Project provides mentoring, tutoring, educational and recreational activities to at risk youth throughout the community.

RECOMMENDED ACTION: Authorize a 30-day public comment period and approve the substantial amendments subject to citizen comments received.

17. Wichita Supplier Diversity Task Team.

The City Council appointed a 15-member task force to address concerns expressed to the City Council by minority business owners. The Team presented 14 recommendations on March 16, 2004. Staff reviewed the 14 recommendations and provided responses to the City Council in May 2004.

RECOMMENDED ACTION: Approve the Emerging and Disadvantaged Business Enterprise Policy and Procedure Manual, receive and file the Action Plan and authorize the creation of a Compliance Officer position within the next salary ordinance.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

18. *CUP2002-00038 (DP67 Amendment #5) and ZON2002-00055-Extension of time to complete the platting requirement for an amendment to the Northborough Community Unit Plan and a zone change from General Office and Multi-Family to Office Warehouse. Generally located south of 21st Street North and east of Woodlawn. (District II)

RECOMMENDED ACTION: Approve extended platting deadline of
August 31, 2005.

19. *CUP2002-00039 (DP-263) and ZON2002-00057-Extension of time to complete the platting requirement for the Woodborough Commercial Community Unit Plan and a zone change from Single-Family to Limited Commercial. Generally located south of Rockhill and east of Woodlawn. (District II)

RECOMMENDED ACTION: Approve extended platting deadline of
August 31, 2005.

20. *CUP2003-00052 (DP-268) and ZON2003-00050-Extension of time to complete the platting requirement for the Holland Commercial Community Unit Plan and a zone change from Single-Family and Limited Commercial to General Commercial. Generally located north of Kellogg and west of Tyler. (District V)

RECOMMENDED ACTION: Approve the extended platting deadline
of August 31, 2005.

21. *SUB2004-04-Plat of Parker Oil Addition, located on the west side of West Street and south of MacArthur Road. (District IV)

RECOMMENDED ACTION: Approve the documents and plat and
authorize the necessary signatures.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

22. *Grant Application.

RECOMMENDED ACTION: Approve the application and grant Award upon receipt and authorize the necessary signatures.

CITY COUNCIL

23. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment